

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BLUE ELEPHANT FINANCING, LLC,

Plaintiff,
-against-

CLINTON HOWARD; AND STEVEN
BROWN,

Defendants.

20-CV-4969 (CM)

ORDER DIRECTING PAYMENT OF FEES
OR IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Defendant Clinton Howard brings this notice of removal *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Defendant Howard submitted the notice of removal without the filing fees or an IFP application. Within thirty days of the date of this order, Howard must either pay the \$400.00 in fees or complete, sign, and submit the attached IFP application. If Howard submits the IFP application, it should be labeled with docket number 20-CV-4969 (CM). If the Court grants the IFP application, Howard will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to Defendant Howard and note service on the docket. If Howard complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Howard fails to comply with this order within the time allowed, the action will be remanded to the Supreme Court of the State of New York, County of Westchester.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: July 28, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge